

REMARKS

I. Status of the Claims and Restriction

Claims 1-16 are pending in this application. Claims 1, 3, 4, 6, 8, 10, and 11 are amended to more distinctly point out and claim what Applicants regard as their invention. Support for these amendments can be found in the originally-filed specification, including the claims. Specifically, support for the amendments can be found on page 8 lines 1-7, in the embodiments described on pages 8-10, and in the claims set forth on pages 12-14. Accordingly, no new matter has been added.

Claims 12-16 remain withdrawn pursuant to the Restriction Requirement dated January 19, 2006. Applicants request rejoinder of claims 12-16 if claims 1-11 are found allowable.

II. Claim Objections

The Examiner objects to claim 1 because it allegedly does not expressly state that the gas mixture contains both argon and oxygen. He suggests Applicants substitute --comprising 1-20 vol. % oxygen and the balance being argon gas-- in place of "where oxygen content is 1-20 vol % with reference to that of argon gas." Applicants do not agree with the Examiner's suggested language because it would not accurately reflect the claimed invention. Specifically, the vol. % of oxygen "with reference to that of argon gas" refers to the volume of oxygen relative to that of argon (i.e., $100.0 \times [\text{vol}_{\text{Oxygen}} / \text{vol}_{\text{Argon}}]$). To satisfy the Examiner's objection to expressly state that the

mixture comprises argon, Applicants have amended claim 1; claims 6, 8, 10, and 11 have been similarly amended.

The Examiner also objects to claim 2 and recommends an amendment to more clearly state that the gold layer is 10-30 angstroms thick. To further prosecution, Applicants have amended claim 2 as suggested by the Examiner.

Finally, the Examiner objects to claim 4 because it repeats a limitation that is present in claim 1. Applicants disagree with the Examiner's rational because claim 4 is a proper dependent claim in that it is narrower in scope than claim 1; it is irrelevant that the claim recites a limitation that also exists in claim 1. Nonetheless, in order to further prosecution, Applicants have deleted the offending phrase as recommended by the Examiner.

In light of Applicants' arguments and amendments, the withdrawal of these objections is respectfully requested.

III. Claim Rejection

The Examiner rejects claims 2, 4, 6, 8, 10, and 11 under 35 U.S.C. § 112 (2nd para.) because argon gas was not expressly recited in claim 1. The Examiner recommends the use of the term --gas mixture-- in place of "argon gas" in these claims to remedy the rejection. Applicants disagree with the Examiner's recommended amendment because it would not accurately reflect the claimed invention. For example, in claim 2 it is the argon gas (not the gas mixture) that is introduced into the reaction tube at a rate of 20-50 cc/mm; by replacing --argon gas-- with "gas mixture" the claim would not longer accurately reflect the distinction between the argon gas flow rate and

the gas mixture flow rate. Moreover, because Applicants have amended claim 1 to expressly recite "argon gas," this rejection no longer seems applicable. Accordingly, for at least the aforementioned reasons, Applicants respectfully request withdrawal of this rejection.

IV. Conclusion



In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 26, 2006

By: 
Reg. No. 27,680 
Stephen L. Peterson
Reg. No. 26,325